

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 17-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Onion '214 (U.S. Patent No. 6,378,214) in view of Onion '334 (U.S. Patent No. 6,427,334).

Onion '214 teaches (see Figures 3, 10, and 11) a folding knife comprising: a handle (16) having an end face (16b) with a notched corner in the end face of the handle forming a first locking element (16d); a blade (12) pivotally mounted to the handle and has a slot (60) having a first portion (closest to the tip of the blade and including member 132 and 132a) and a second portion (farthest from the tip of the blade); a post is located in the slot (60) that includes a cylindrical neck (30) and two equal diameter coaxially mounted collars (130) designed to retain the neck (30) in the slot (60) and to prevent scratching or wearing of the edge surface of the handle (16b) as well as improve the smoothness of the locking mechanism. The first portion of the slot is configured to receive the pin and the second portion of the slot is configured to enable the pin to slidably engage the latching corner of the handle. Figure 3 shows the second locking element (30, 130) being spaced from the end face (16b) of the handle (16) for a substantial portion of the movement of the blade from the closed to the open

position. A spring (62) is attached to a retaining element (64) provided in first portion of the slot (60) to hold the spring (62) in place and allow the spring to bias the second locking element (30, 130) to a first position towards the end of the slot closest the end face of the handle.

Onion '214 teaches all of the elements of the current invention as stated above except during blade motion from the closed position to the open position, the post does not contact the edge surface until just prior to engaging the latching corner of the exposed exterior edge surface as the blade reaches the open position.

Onion '334 teaches (see Figures 1-10) that it is known to shape the end face of the handle (12) of a knife so that a locking element (30) found on the blade (14) of the knife does not contact the end face of the handle (12) while the blade is traveling from the closed to the open position until it reaches a locking element (32) which is just prior to the locking corner of the end face.

The devices of Onion '214 and Onion '334 are art recognized equivalents as both teach a locking mechanism for a pivoting knife having two locking elements that work together to lock the blade into an open position. Both also teach one of the locking elements being spring biased with respect to the other. Onion '334 further teaches taught that it is not necessary to contact the end face of the handle to the locking element of the blade until contact needs to occur in order to lock the locking element of the blade with respect to the handle of the knife. Therefore it would have been an obvious design choice to substitute the shape of the end face of the handle of Onion '214 with the shape of the end face of the handle of Onion '334 to provide a handle end

face shape that did not make contact with the locking element of the blade until contact was necessary to lock the blade in place.

***Allowable Subject Matter***

3. Claims 1, 3, 7, 11-16, 27, 29-35, and 45-54 are allowed.
4. Claims 23-26 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. The following is a statement of reasons for the indication of allowable subject matter:

Claim 1 is allowable for stating the retaining element is positioned in the wide region to the slot to prevent movement of the post into the wide region of the slot while permitting movement of the post between the first and second positions.

Claims 3, 7, and 11-16 are dependent of claim 1.

Claim 23 is allowable because if the elongate portion extends into the second portion of the slot then the first portion of Onion could not be considered configured to receive the pin as the pin would not fit.

Claim 24 is allowable is allowable for stating an expander is received by the retaining element to thereby expand the retaining element and retain the retaining element in the slot.

Claims 25 and 26 depend from Claim 24.

Claims 18-26 are dependent of claim 17.

Claim 27 is allowable for stating the retaining element is positioned in the slot to prevent movement from the narrow portion of the slot to the wide portion of the slot, while still permitting sliding movement of the neck within the narrow portion of the slot.

Claims 29-35 are dependent of Claim 27.

Claim 45 is allowable for stating the locking element being positioned within the slot and slidable therein while the retaining element is position within the second end of the slot, the retaining element preventing the locking element from sliding into the second end of the slot.

Claims 46-52 are dependent of claim 45.

Claim 53 is allowable for stating an expander is received by the retaining element to thereby expand the retaining element and retain the retaining element in the slot.

Claim 54 is allowable for stating the retaining element extends into the narrow portion of the slot.

### ***Response to Arguments***

6. Examiner's have determined that the phrase "just prior to" in claim 17 and can equal a distance of almost any length as long as nothing happens in between contacting the edge surface and the engagement of the latching corner.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Onion '431 (U.S Patent No. 6,338,431), Sakai (U.S Patent No. 6,154,965), Poehlmann (U.S Patent No. 4,893,409), Eikhorn (U.S Patent No. 6,523,265), Lake et al

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(U.S Patent No. 6,490,797), Moser (U.S Patent No. 6,308,420), Walker (U.S Patent No. 4,979,301), and Neely (U.S Patent No. 5,060,379) teach foldable knives with first and second locking elements.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward F. Landrum whose telephone number is 571-272-5567. The examiner can normally be reached on Monday-Friday 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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EFL

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